

RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
ON 9-15-94 cm

CERTIFIED TRUE COPY

DEBORAH T. PORITZ
ATTORNEY GENERAL OF NEW JERSEY

By: Denise A. Cobham
Deputy Attorney General
Division of Law, 5th floor
124 Halsey Street
Newark, N.J. 07101
Telephone (201) 648-3696

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY

In the Matter of

Benjamin Marks,

Formerly
Licensed To Practice Dentistry
in the State of New Jersey

Administrative Action

CONSENT ORDER

This matter was opened to the State Board of Dentistry [hereinafter: Board] upon receipt of information from the Enforcement Bureau, Division of Consumer Affairs, Professional Boards, concerning allegations of unlicensed practice of dentistry, to wit, practicing dentistry during a period of license suspension;

On March 26, 1992, Respondent appeared before the Board and voluntarily surrendered his license to practice dentistry. Prior thereto, Respondent had consented to the seizure of dental equipment by investigators, (as outlined in Enforcement Bureau Evidence Vouchers relative to Case File Nos. 2-806 and 2-806.1, which are attached hereto

as Exhibit 1), due to his unlicensed practice of dentistry during a period of suspension.

Respondent, having decided not to contest the above charges, having voluntarily surrendered his license to practice dentistry, which voluntary surrender has had the full force and effect of license revocation; and for good cause shown;

IT IS on this 14th day of SEPT., 1994,

HEREBY ORDERED AND AGREED THAT:


1. The items seized from Respondent Marks with his consent, as contained in Exhibit 1 which is attached hereto, because he engaged in the unlicensed practice of dentistry, be and hereby are relinquished by Respondent, Benjamin Marks to the State Board of Dentistry.

2. Pursuant to an agreement between counsel for the parties, The State Board of Dentistry, will permit Respondent's counsel, Dennis Mautone, Esq., to retain the dental instruments, secured in his possession and without permitting access to Respondent or any other unlicensed person, for a period of 24 months from the date of filing of this Order. The purpose of this accommodation to Respondent is to permit him a further opportunity to comply with the conditions for reapplication to the State Board of Dentistry as outlined in its previous Order of March 26, 1992. The accommodation hereby made to Respondent should not be viewed or interpreted as an invitation to Respondent to reapply, or that any reapplication will be acted upon favorably.

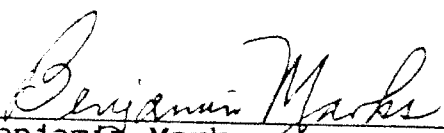
3. Should Respondent fail to satisfy all conditions for

reapplication to the State Board, as set forth in the Board's March 26, 1992 Order, annexed hereto and made a part hereof as Exhibit B, within 24 months of the date of filing of this Order, Mr. Mautone shall deliver said dental instruments, as outlined in Exhibit A (Items 6a through 6e and 6h through 6j) which is attached hereto and made a part hereof, to the State Enforcement Bureau which may dispose of the material itemized in any lawful manner without any further application.

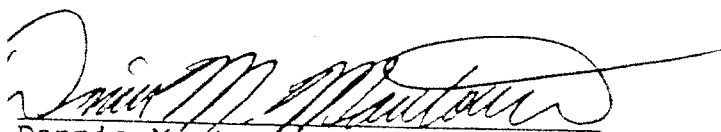
4. The State Enforcement Bureau may immediately dispose of Items 7a through 7v and 6f, 6g and 6k of Exhibit A in any lawful manner upon filing of this Order.


DR. ~~STEPHEN CANDIO~~ STEPHEN CANDIO
PRESIDENT
STATE BOARD OF DENTISTRY

I hereby agree to the form
and entry of this Consent
Order.


Benjamin Marks

I hereby agree to the form
and entry of this Consent
Order.


Dennis Mautone, Esquire

RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
ON 4-7-92 cm

ROBERT J. DEL TUFO
ATTORNEY GENERAL OF NEW JERSEY

By: Anne Marie Kelly
Deputy Attorney General
Division of Law 5th Floor
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101
Tel. (201) 648-4738

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

BENJAMIN MARKS, D.D.S.

TO PRACTICE DENTISTRY IN THE
STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Dentistry (hereinafter "Board") on an Order to Show Cause and Verified Amended Complaint and affidavits on March 11, 1992 which states that Dr. Marks is continuing to practice Dentistry despite an Interim Consent Order agreed to by Respondent at a hearing on August 24, 1990 providing that Dr. Marks' license to practice Dentistry shall be temporarily suspended pending evaluations and a Consent Order entered by the Board on November 28, 1990 continuing the temporary suspension of Dr. Marks' license pending evaluations. Anne Marie Kelly, Deputy Attorney General and Anthony Rocco, Esq. counsel for Respondent and the Respondent appearing and the parties agreeing to settle the matter

without a formal hearing and Dr. Marks testifying as to his understanding and consent as to each provision of the consent agreement and for good cause shown:

IT IS ON THIS 26th DAY OF Mar. 1992,

ORDERED THAT:

1. Benjamin Marks, D.D.S., shall have leave to voluntarily surrender his license to practice dentistry in the State of New Jersey. Respondent shall contemporaneously with the entry hereof submit any and all wall certificates including but not limited to his dentistry license, DEA registration and general anesthesia permit to the Board of Dentistry at 124 Halsey Street, 6th Floor, Newark, New Jersey. Said voluntarily surrender shall have the same force and effect as if his license had been revoked and Respondent shall immediately cease and desist from any practice of Dentistry.
2. Respondent shall not petition the Board for reinstatement of his license to practice Dentistry in the State of New Jersey prior to one year from the entry of this Order. In the event such petition is filed he shall appear personally before the Board and he shall have the burden to demonstrate to the satisfaction of the Board that he is fit, capable, and competent of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare.
3. Immediately prior to Respondent's petition for reinstatement of his license he shall submit to a psychological evaluation by a Board appointed consultant and shall cause a report of said evaluation to be submitted for the Board. Respondent shall be responsible for the fee of the consultant for the evaluation and report.

4. Immediately prior to Respondent's petition for reinstatement of his licensure, he shall submit and make himself available for evaluation by the Impaired Dentist's Program and shall submit to any recommendations of the Impaired Dentist Program which may include urine monitoring. The urine monitoring shall be conducted with direct witnessing of the taking of the samples either by volunteer or drug clinic staff as arranged and designated by the Impaired Dentist Program. The initial drug screening will utilize the EMIT technique and all confirming tests and/or secondary tests will be performed by gas chromatography/mass spectrometry. The testing procedure will include a forensic chain of custody protocol to ensure sampling integrity and to provide documentation to withstand a legal challenge. The Impaired Dentist Program shall be responsible to ensure that all urine samples are handled by a laboratory competent to provide these services. All tests results shall be provided in the first instance directly to the Impaired Dentist Program, and any positive results will be reported immediately by the Impaired Dentist Program to Agnes Clarke, Executive Director of the Board of Dentistry or her designee in the event she is unavailable. The Board retains sole discretion to modify the manner of testing in the event technical developments or individual requirements indicate that a different methodology or approach is required in order to guarantee the accuracy and reliability of the testing. Any failure by Dr. Marks to submit or provide a urine sample within twenty four (24) hours of a request will be deemed to be equivalent to a confirmed positive urine test. In the event that Dr. Marks is unable to appear for a scheduled urine test or provide a urine sample due to illness or other impossibility consent to waive that

days' test must be secured from Dr. Fredrick Rotgers or Dr. Barbara McCrady of the Impaired Dentist Program. Neither the volunteer or drug clinic staff shall be authorized to consent to waive a urine test. The Impaired Dentist Program shall advise the Board of every instance where a request has been made to waive a urine test together with the Program's determination in each case. Dr. Marks shall be responsible for all costs connected with the urine monitoring program. Dr. Marks shall provide appropriate releases to any and all parties who are participating in the monitoring program described herein as may be required in order that all reports, records and other information may be provide to the Board in a timely manner. Respondent shall cause and permit the staff or other designee of the Impaired Dentist Program to disclose to the Board any evaluation has made of the Respondent as well as any recommendations and any other pertinent information. This shall include advising the Board of any programs in which Respondent engages, including urine monitoring, and keeping the Board advised as to Respondent progress and successful completion on an ongoing basis.

5. Nothing herein shall prevent the Board from taking formal disciplinary action at any time in the future if it determines in its discretion that it is in the best interest of the public to do so.



William Cinotti, D.D.S., President
STATE BOARD OF DENTISTRY

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF DENTISTRY

IN THE MATTER OF THE SUSPENSION:
OR REVOCATION OF THE LICENSE OF:

Benjamin Marks, D.D.S.
License No. 7467

TO PRACTICE DENTISTRY IN THE
STATE OF NEW JERSEY

I, Stanley Tafil, of full age, being duly sworn according to law, upon my oath, depose and say:

1. I am employed by the State of New Jersey, Division of Consumer Affairs, Enforcement Bureau, 124 Halsey Street, 7th Floor, Newark, New Jersey.

2. My employment designation is Evidence Custodian.

3. On the morning of Tuesday, August 2, 1994, pursuant to the request of Deputy Attorney General Denise A. Cobham to visually inspect evidence retained in the Enforcement Bureau evidence vault concerning Dr. Benjamin Marks, D.D.S., we entered said vault.

4. Said evidence was recorded under Enforcement Bureau evidence vouchers #129-90-2, items 1 through 5; and 183-91-2, items 1 through 5.

5. The above noted review of the indicated evidence resulted in Ms. Cobham's determination that settlement regarding disposition of this lawfully seized evidence could be effected under certain conditions subject to Board approval.

6. Under the proposed consent order the following items would be retained by Respondent Marks' attorney, Dennis Mautone, Esq., under lock and key for a period of 24 months:

- a. Seven (7) blue paper towels wrapped around various dental surgery instruments.
- b. One (1) white bucket containing various dental surgery instruments.
- c. Six (6) handpieces.

- d. Three (3) white paper towels wrapped around various surgical tools.
- e. One (1) plastic bag containing various dental instruments.
- f. One (1) Board of Dentistry license renewal, #DI07467, exp. 10-31-91.
- g. One (1) Board of Dentistry license renewal, #DI07467, exp. 10-31-93.
- h. One (1) slow speed handpiece.
- i. One (1) brown box labeled "slow speed handpieces" containing three (3) slow speed handpieces.
- j. One (1) metal container holding various instruments.
- k. One (1) original New Jersey Board of Dentistry license, #7467, of Benjamin Marks, D.D.S., dated December 20, 1961.

7. The following items, pursuant to settlement negotiations between the parties as memorialized in the proposed consent order, were to be disposed of by me and/or alternate authorized Enforcement Bureau personnel in any lawful manner:

- a. Sixteen (16) photographs of Dr. Marks' office, taken on July 24, 1990.
- b. Various prescriptions by Benjamin Marks.
- c. Thirty-three (33) prescription pads.
- d. Seventeen (17) prescription pads for Vicodan.
- e. Eight (8) insulin syringes.
- f. Six (6) syringes.
- g. Three (3) bottles marked Xylocaine.
- h. One (1) box marked Lidocaine.
- i. Two (2) bottles marked Cetacaine.
- j. One (1) brown envelope containing two (2) razor blades and one (1) prescription vial containing an unknown white powder. (The white powder was tested by the New Jersey State Police lab and found not to be a Controlled Dangerous Substance.)

- k. One (1) box labeled "burs."
- l. One (1) box labeled "enamel bond systems."
- m. One (1) box labeled "composite restorative material."
- n. Two (2) boxes of x-ray film.
- o. One (1) blue box containing suture material.
- p. One (1) box marked lidocaine hydrochloride 2%.
- q. One (1) syringe.
- r. One (1) box containing fourteen (14) needles.
- s. One (1) box labeled "bite wing tabs."
- t. One (1) box labeled "surgical absorbable hemostat."
- u. One (1) box containing syringes.
- v. Three (3) photographs of the front and entry of Benjamin Marks, D.D.S. office at 20-22 Church Street, Paterson, New Jersey dated 5-13-92.

8. All of the seized evidence in this case, which had been retained in the Enforcement Bureau evidence vault, has been accounted for in the above listings.

9. I solemnly swear that the above statements made by me are true and accurate to the best of my knowledge. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Stanley Tafil
Stanley Tafil

Aug 3, 1994
Date

Sworn and Subscribed to before me

this 3rd Day of AUGUST 1994

Robert A. Elker

ROBERT A. ELKER

NOTARY PUBLIC OF NEW JERSEY

My Commission Expires January 8, 1995

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
ENFORCEMENT BUREAU

EVIDENCE VOUCHER

CASE FILE NO.

2-806

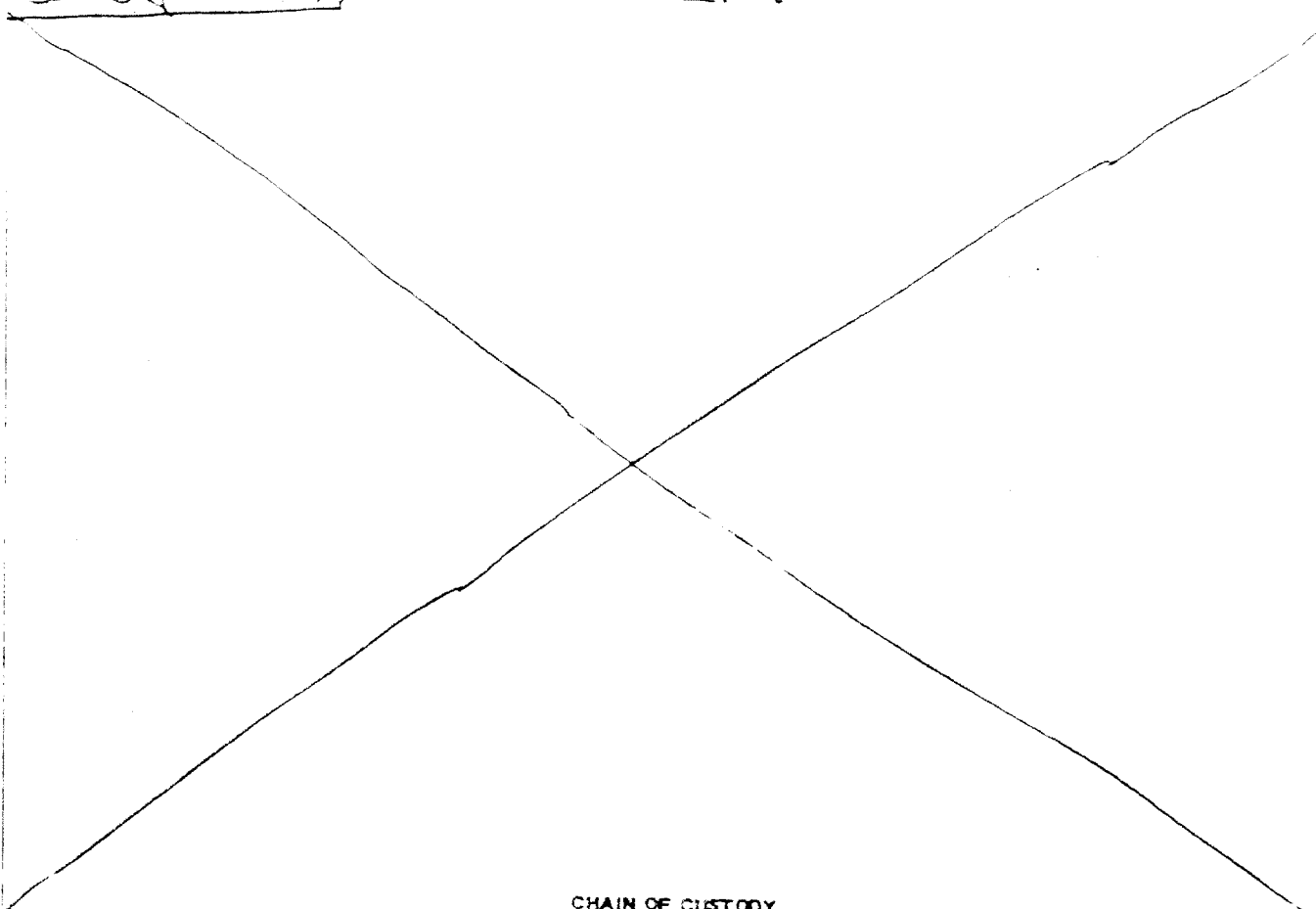
SECTION <u>INVESTIGATION SECTION</u>	LOCATION <u>1100 RAYMOND BLVD ENFORCEMENT</u> <u>NEWARK, NJ RM 516 BUREAU</u>
NAME OF PERSON FROM WHOM PROPERTY IS OBTAINED <u>BENJAMIN MARKS, D.D.S.</u>	ADDRESS (Include ZIP Code) <u>20-22 CHURCH STREET</u> <u>PATERSON, N.J. 07505</u>

LOCATION OF PROPERTY

OFFICE OF DR. MARKS

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES <small>(Include model, Serial No., identifying marks, condition, and value, when appropriate)</small>
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(1)	16	PHOTOGRAPHS TAKEN ON JULY 24, 1990 OF THE SUBJECT'S OFFICE (in a white, E.B. envelope - ST) LAST ITEM
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CHAIN OF CUSTODY

ITEM NO.	DATE	RELINQUISHED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
(1)	7/24/90	PRINTED NAME <u>N/A</u>	PRINTED NAME <u>DEBORAH WACKER</u>	<u>obtain evidence</u>
		SIGNATURE <u>[Signature]</u>	SIGNATURE <u>Deborah Wacker</u>	
(1)	8/6/90	PRINTED NAME <u>DEBORAH WACKER</u>	PRINTED NAME <u>STANLEY TAFIL</u>	<u>STORAGE OF EVIDENCE</u>
		SIGNATURE <u>Deborah Wacker</u>	SIGNATURE <u>Stanley Tafil</u>	

LOCATION BOX # 111

VOUCHER NO. 129-90-2

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
ENFORCEMENT BUREAU

EVIDENCE VOUCHER

CASE FILE NO.

2-806

SECTION <i>Drug Diversion</i>	LOCATION <i>807 Raymond Blvd. Newark, N.J. 07102</i>
NAME OF PERSON FROM WHOM PROPERTY IS OBTAINED <i>Carl Ingaraffia R.P.</i>	ADDRESS (Include ZIP Code) <i>62 Broadway Paterson New Jersey 07505</i>
LOCATION OF PROPERTY <i>School File</i>	

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (Include model, Serial No., Identifying marks, condition, and value, when appropriate)
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Rx's written by Benjamin Marks D.D.S.

(2) 7 78891 78674
85947 86170
85639
8300
83422

Last Item

Last Item

CHAIN OF CUSTODY

ITEM NO.	DATE	RELINQUISHED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
2)	11/7/90	PRINTED NAME - CARL INGARAFFIA SIGNATURE <i>Carl Ingaraffia</i>	PRINTED NAME JOETTA CLARK SIGNATURE <i>Joetta Clark</i>	Evidence
2)	11/13/90	PRINTED NAME JOETTA CLARK SIGNATURE <i>Joetta Clark</i>	PRINTED NAME STANLEY TAFIL SIGNATURE <i>Stanley Tafil</i>	STORAGE

BOX # 111

LOCATION

VOUCHER NO. 129-90-2

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
ENFORCEMENT BUREAU

EVIDENCE VOUCHER

CASE FILE NO.

2-806 D.D.

SECTION	LOCATION
RECEIVED FROM WHOM PROPERTY IS OBTAINED	1207 Raymond Rd. Enforcement Bureau
NAME OF PERSON FROM WHOM PROPERTY IS OBTAINED	ADDRESS (Include ZIP Code)
Elmer Patel R.P.	Main Fair 87 Main Street
LOCATION OF PROPERTY	Dartmouth VA 22525
Schedule Five	
ITEM NO.	DESCRIPTION OF ARTICLES
QUANTITY	(Include model, Serial No., Identifying marks, condition, and value, when appropriate)

Present on written by Benjamin Marks
DDS

(3) =
345897
35904
377103
553005
553511

Last item

Last item

CHAIN OF CUSTODY

ITEM NO.	DATE	RELINQUISHED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
3)	11/17/98	PRINTED NAME BHANDI PATEL SIGNATURE <i>Bhandi Patel</i>	PRINTED NAME Joeetta Clark SIGNATURE <i>Joeetta Clark</i>	Evidence
3)	11/12/98	PRINTED NAME JOEETTA CLARK SIGNATURE <i>Joeetta Clark</i>	PRINTED NAME STANLEY TAFIL SIGNATURE <i>Stanley Tafil</i>	

BOX # 111

VOUCHER NO. 129-90-2

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
ENFORCEMENT BUREAU

EVIDENCE VOUCHER

CASE FILE NO.

2-806 D.D.

SECTION

Drug Possession

LOCATION

Enforcement Bureau 1307 Raymond Blvd
Newark, NJ 07102

NAME OF PERSON FROM WHOM PROPERTY IS OBTAINED

Teresa Walton R.P.

ADDRESS (Include ZIP Code)

211K City 69 Main Street
Paterson NJ 07505

LOCATION OF PROPERTY

ITEM NO. QUANTITY

DESCRIPTION OF ARTICLES
(Include model, Serial No., Identifying marks, condition, and value, when appropriate)

(4) 3

310282

308276

308273

Prescriptions written by Benjamin Marks D.O.

Last Item

Last Item

CHAIN OF CUSTODY

ITEM NO.	DATE	RELINQUISHED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
(4)	11/7/90	PRINTED NAME Teresa Walton SIGNATURE Teresa Walton	PRINTED NAME JOETTA Clark SIGNATURE Joetta Clark	Evidence
(4)	11/13/90	PRINTED NAME JOETTA CLARK SIGNATURE Joetta Clark	PRINTED NAME STANLEY TAFEL SIGNATURE Stanley Tafel	STORAGE

BOX# 111

LOCATION

VOUCHER NO.

129-90-2

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
ENFORCEMENT BUREAU

EVIDENCE VOUCHER LONG FORM

CASE FILE NO.

2-806

SECTION

Investigation

LOCATION

1307 EAYMOND BLVD. NEWARK

NAME OF PERSON FROM WHOM PROPERTY IS OBTAINED

ADDRESS (Include ZIP Code)

30 Church St.

PATERSON, N.J.

LOCATION OF PROPERTY

Room of Dr. Marks

ITEM
NO.

QUAN-
TITY

DESCRIPTION OF ARTICLES

(Include model, Serial No., Identifying marks, condition, and value, when appropriate)

(5)

7

Blue paper towels impregnated with
various surgical instruments

LOCATION

SHELF TO LEFT OF DR.

VOUCHER NO.

129-90-2

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
ENFORCEMENT BUREAU

EVIDENCE VOUCHER

CASE FILE NO.

2-806

SECTION

Investigation

LOCATION

1207 Raymond Blvd Newark N.J.

NAME OF PERSON FROM WHOM PROPERTY IS OBTAINED

Benjamin Marks, DDS

ADDRESS (Include ZIP Code)

20 Church St
Paterson, New Jersey
Office of Dr. Marks

LOCATION OF PROPERTY

ITEM NO. QUANTITY

DESCRIPTION OF ARTICLES

(Include model, Serial No., Identifying marks, condition, and value, when appropriate)

- (5) 33 Prescription pads
(5) 17 Prescription pads ~~with~~^{for} Vicodin
1 One (1) white bucket containing
various ²¹ & SURGICAL instruments
2 Corbin syringes
6 Syringes
6 Handpieces
3 Bottles of Xylocaine (cont small amts of lip)
1 Box of Lidocaine
2 bottles of Cetacaine
3 white paper towels wrapped around
various surgical tools

CHAIN OF CUSTODY

ITEM NO.	DATE	RELINQUISHED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
(5) 11/28/90		PRINTED NAME BENJAMIN MARKS SIGNATURE Ben Marks	PRINTED NAME DEBORAH WACKER SIGNATURE Deborah Wacker	obtain evidence
(5) 11/28/90		PRINTED NAME DEBORAH WACKER SIGNATURE Deborah Wacker	PRINTED NAME STANLEY TAFIL SIGNATURE Stanley Tafil	STORAGE OF EVIDENCE

LOCATION

SHELF TO LEFT OF DR. ("BM-1 and BM-2")

VOUCHER NO.

129-90-2

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
ENFORCEMENT BUREAU

EVIDENCE VOUCHER		CASE FILE NO.
SECTION	2-806.1	
INVESTIGATION	1207 RAYMOND BLVD NEWARK, NJ	
NAME OF PERSON FROM WHOM PROPERTY IS OBTAINED	ADDRESS (Include ZIP Code)	
Benjamin Marks	20 Church Street PARLSON, NJ 07505	
LOCATION OF PROPERTY	OFFICE OF BENJAMIN MARKS	
ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (Include model, Serial No., Identifying marks, condition, and value, when appropriate)
(1)	1	PLASTIC BAG CONTAINING VARIOUS DENTAL INSTRUMENTS TOTAL 59 PIECES
LAST ITEM		

CHAIN OF CUSTODY			
TCM NO.	DATE	RELINQUISHED BY	RECEIVED BY
(1)	11/19/81	PRINTED NAME BENJ. MARKS SIGNATURE Benj. Marks	PRINTED NAME DEBORAH WACKER SIGNATURE Deborah Wacker
(2)	11/19/81	PRINTED NAME DEBORAH WACKER SIGNATURE Deborah Wacker	PRINTED NAME STANLEY TAFIL SIGNATURE Stanley Tafil

PURPOSE OF CHANGE OF CUSTODY

Obtain evidence

STORAGE OF EVIDENCE

LOCATION OPP. SAFE

VOUCHER NO. 182-90-2
183-91-2

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
ENFORCEMENT BUREAU

EVIDENCE VOUCHER		CASE FILE NO. 2-806.1
SECTION INVESTIGATION		LOCATION 1207 RAYMOND BLVD NEWARK, NJ
NAME OF PERSON FROM WHOM PROPERTY IS OBTAINED Benjamin Marks		ADDRESS (Include ZIP Code) 20 Church Street Paterson, NJ 07505
LOCATION OF PROPERTY OFFICE OF BENJAMIN MARKS		
ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (Include model, Serial No., identifying marks, condition, and value, when appropriate)

(A) 1 Brown envelope containing 2 RAZOR BLADES
(B) and 1 prescription vial dated 6/19/89
containing a white powder (unknown)

I voluntarily surrender this property
for examination to Deborah Wacker

Benjamin Marks

CHAIN OF CUSTODY				
EMI NO.	DATE	RELINQUISHED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1	4/14/91	PRINTED NAME Benjamin Marks	PRINTED NAME DEBORAH WACKER	Obtain evidence
		SIGNATURE <i>Benjamin Marks</i>	SIGNATURE <i>Deborah Wacker</i>	
2	4/14/91	PRINTED NAME DEBORAH WACKER	PRINTED NAME STANLEY TAFEL	STORAGE OF EVIDENCE
		SIGNATURE <i>Deborah Wacker</i>	SIGNATURE <i>Stanley Tafel</i>	

LOCATION BOX # 118

VOUCHER NO. 129-90-2
182-91-7

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
ENFORCEMENT BUREAU

EVIDENCE VOUCHER LONG FORM

CASE FILE NO.

2-906.1

SECTION
INVESTIGATION SECTION

LOCATION
1207 RAYMOND BLVD.

NAME OF PERSON FROM WHOM PROPERTY IS OBTAINED

Benjamin MARKS

ADDRESS (Include ZIP Code)

20 Church Street
FAIRLESS NJ 07015

CATION OF PROPERTY

OFFICE OF BENJAMIN MARKS

Q	QUAN- TITY	DESCRIPTION OF ARTICLES (Include model, Serial No., Identifying marks, condition, and value, when appropriate)
✓	1	BOARD OF DENTISTRY LICENSE RENEWAL DI07467
		exp. 10-31-91
✓	1	BOARD OF DENTISTRY LICENSE RENEWAL DI 07467
		exp. 10-31-93
✓	1	Box labeled "BURS"
✓	1	Box labeled "Enamel Bond System"
✓	1	Box labeled "Composite Restorative Material"
✓	2	boxes x-ray film
✓	1	blue box containing suture material
✓	1	box containing lidocaine hydrochloride 2%
✓	1	syringe
✓	1	slow speed handpiece
✓	1	box containing 14 needles
✓	1	box labeled "Bite Wing Tabs"
✓	1	box labeled "Surgical Absorbable Hemostat"
✓	1	brown box labeled "Slow Speed Handpieces" containing
		three slow speed handpieces
✓	1	metal container holding various instruments
✓	1	box containing syringes

OPP. SAFE

VOUCHER NO.

129-90-2

REQUEST FOR EXAMINATION OF EVIDENCE

Submitting Agency (Case #)

2-806

Laboratory Number

1879384

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF STATE POLICE

SPECIAL AND TECHNICAL SERVICES SECTION
POST OFFICE BOX 7068

WEST TRENTON, NEW JERSEY 08625
(609) 882-2000

North Regional Lab
Route Highway 46
Little Falls, NJ 07424
(201) 256-7790

South Regional Lab
Post Office Box 111
Haddonfield, NJ 08033
(609) 561-2060

West Regional Lab
1000 Avenue
Elizabeth, NJ 07208
(201) 449-0303

(Laboratory Use Only)

Possible possession of cocaine

COUNTY OF

Passaic

ITEM

Age Sex Race

SUSPECT

Marks, Benjamin

Age Sex Race
62 M C

Submitting Agency (Address)

Department of Law & Public Safety, Division of Consumer Affairs,
Recruitment Bureau, 121 Mulsey Street, 1st Floor, P.O. Box 14021, Newark, NJ 07101

WARD REFILES TO

Stanley Tafil, Address same as above

(201) 646-3500

Initiated by

Deborah A. Wacker, Investigator

FILE HISTORY OF CASE (Include all previous case numbers)

Unknown substance voluntarily surrendered by the above dentist who was found to be practicing dentistry while his license to do so is suspended. Court order permitted the investigators to enter the premises and demand all equipment and prescription pads utilized in the practice of dentistry and to take other steps as may be necessary to render the equipment in the office unavailable for use in dental treatment or diagnosis.

1. Examine for Cocaine or other C.D.S.

DRUG TOX ABC EQUIP

LABORATORY USE ONLY

ABC EQUIP

S Small amber prescription vial with a Hamilton Pharmacy label which reads:
"3267 6/19/89 Dr. Mark Take one tablet twice a day. Cipro 500 mg
#20 Dr. Mark," containing approximately 3 - 3 1/2 grams of a white powder.

RECEIVED FROM
LITTLE FALLS LABORATORY
NORTH LAB.

JAN 23 1992

SPECIAL & TECH. SERVICES
SECTION N.J. STATE POLICE



CERTIFIED LABORATORY REPORT

10

Markus Benninger (S)

Functional Laboratory

☐ Central ☒ North
☐ South ☐ East

Laboratory No.

187938

Submitting Agency

Enforcement Bureau
Newark

Agency No.

2-376

Date of Report

12/3/91

See Request for Examination of Evidence (S.P. 631) for list of specimens submitted for analysis.

RESULTS OF DRUG ANALYSIS

Page 1 of 1 Page

[illegible]

TEST PROCEDURE KEY

1. Microscopic Examination
2. Duquenois-Levine Color Test
3. Color Tests
4. Gas Chromatography-Mass Spectrometry
5. Ultraviolet Spectrophotometry
6. Gas Chromatography
7. Infrared Spectrophotometry
8. High Performance Liquid Chromatography
9. Microcrystalline Tests
10. Thin Layer Chromatography
11. _____
12. _____

Pursuant to the provisions of N.J.S. 2C:35-19 (P.L. 1987, c. 106), I hereby certify and attest that: I am employed by a State Forensic Laboratory which has been designated by the Attorney General (copy of letter of designation on file with the Prosecutor's Office) for 10 + years. I have a BMS degree, and I have qualified as an expert witness on 2 occasions in Municipal and Superior Courts in New Jersey; that the above laboratory report, fairly and accurately documents the type and results of the analysis performed; that I am the person who performed analyses, reviewed results and made the conclusions set forth in the above laboratory report; that my training and experience is fairly and accurately documented in a curricula vitae which is on file with the Prosecutor's Office and incorporated by reference herein; that the equipment used to perform the type of analysis described above was functioning properly.

The test procedures used are accurate, reliable, objective in nature, and performed on a routine basis within the laboratory.

Sworn to and subscribed, before me this

19 day of Dec 1991

Analyst

Nancy Malik Anun
Senior Forensic Scientist

Notary

~~HENRIETTA A. ERBIG~~

~~NEW YORK~~ PUBLIC OF NEW JERSEY

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* File 31 Laboratory on Non-State Police Corps

2.4X PROSECUTOR'S OFFICE

*GOLD - U.S. Narcotic Bureau

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
ENFORCEMENT BUREAU

EVIDENCE VOUCHER

CASE FILE NO.

2-806.1 1st Supp.

SECTION Investigation Section

LOCATION

124 Halsey St., Newark, N.J. 07101

NAME OF PERSON FROM WHOM PROPERTY IS OBTAINED

Benjamin Marks, D.D.S.

ADDRESS (Include ZIP Code)

28-22 Church St.
Paterson, N.J.

LOCATION OF PROPERTY

Reception Area

ITEM
NO.

QUAN-
TITY

DESCRIPTION OF ARTICLES
(Include model, Serial No., identifying marks, condition, and value, when appropriate)

(4) (1) One (1) original New Jersey Board of Dentistry License #7467
of Benjamin Marks, D.D.S., dated December 20, 1961

LAST ITEM

CHAIN OF CUSTODY

ITEM NO.	DATE	RELINQUISHED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
(45)	5/13/92	Benjamin Marks, DDS Ben Marks	Ellen Pleckhardt Ellen Pleckhardt	Obtain Evidence
(4)	5/13/92	Ellen Pleckhardt Ellen Pleckhardt	STANLEY TAFIL Stanley Tafel	Evidence Storage

LOCATION SHELF OPP. SAFE

VOUCHER NO.

183-91-TH 2T

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
ENFORCEMENT BUREAU

EVIDENCE VOUCHER

CASE FILE NO.

2-806.1 1st Supp

SECTION <i>Investigation Section</i>	LOCATION <i>124 Halsay St, Newark</i>
NAME OF PERSON FROM WHOM PROPERTY IS OBTAINED <i>Benjamin Marks, DDS.</i>	ADDRESS (Include ZIP Code) <i>20-22 Church St. Paterson, N.J.</i>
LOCATION OF PROPERTY <i>Front Door / Building</i>	

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (Include model, Serial No., Identifying marks, condition, and value, when appropriate)
(5) 3		Three (3) Photographs of the front and entry of Benjamin Marks, DDS. Office at 20-22 Church Street, Paterson, N.J. dated 5-13-92.

LAST ITEM

CHAIN OF CUSTODY			
ITEM NO.	DATE	RELINQUISHED BY	RECEIVED BY
(5)	5/13/92	PRINTED NAME <i>Ellen Pleickhardt</i>	PRINTED NAME <i>STANLEY TAFIL</i>
		SIGNATURE <i>Ellen Pleickhardt</i>	SIGNATURE <i>Stanley Tafil</i>
		PRINTED NAME	PRINTED NAME
		SIGNATURE	SIGNATURE
			PURPOSE OF CHANGE OF CUSTODY <i>Evidence Storage</i>

LOCATION *SHELF OPP. SAFE*

VOUCHER NO. *183-91-2*